

#6-Morse Orders and Decrees

was continued with reasonable diligence to the year 1881 as aforesaid, to its present capacity. That the lands on which water has been, and is now being used for irrigation purposes, was, and is, without the application of water, dry, barren and arid lands, but with the application of water, are productive, and that water to the amount of said full capacity of said canal, is necessary during the irrigation season, for the proper irrigation and cultivation of said lands, and for the domestic and culinary uses of the stockholders of said defendant company, and that during each and every year since the completion of said canal, the same has been used to convey water from the said Jordan river, to and upon lands requiring irrigation, and owned by said defendants, stockholders in severalty, for irrigation and domestic purposes.

THIRD.

That in the year 1855, Absalom W. Smith, Isaac M. Stewart, constructed a canal, and diverted water from the Jordan river at a point about 4 miles north from what is known as the old dam, for the purpose of irrigating their lands, and in 1865, a new and larger canal was constructed at the same place by them and others, and was used by such parties to convey water upon their lands for irrigation, culinary and domestic purposes until in 1873, when the Galena Canal was constructed at that point, as set forth in Finding 9.

FOURTH.

That in the year 1859, the Secksted Irrigation Company, constructed a canal, and diverted water from the Jordan river at a point about 5 1/2 miles north from what is known as the old dam, and extended it from year to year, until in 1863, when it was completed to its present length, since which time, it has been used to convey water from the Jordan river to and upon the lands of the stockholders of said company, for irrigation, culinary and domestic purposes.

The quantity of land irrigated from this canal is 530 acres, and the waters required therefore, is 12 cub. ft. per sec. of time during the irrigation season, measured in the weirs in the lower bank of said canal, for waters used above the South Jordan Milling Company's mill; and in said canal at a point opposite said mill, for water used below said mill, and the amount of water used for domestic and culinary purposes during the balance of the year, is 4 cu. ft. per sec. of time.

FIFTH.

That in the year 1864, a canal known as the Mousley ditch was constructed, and water taken from the Jordan river